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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,940	04/14/2004	Tatsuya Kuroda	09792909-5866	5280

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EXAMINER

SARPONG, AKWASI

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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08/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/823,940	Applicant(s) KURODA ET AL.	
	Examiner AKWASI M. SARPONG	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>02/03/2006, 12/12/2007 and 03/27/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/04/2009 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1,3-5,7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cariffe (6281872) in view of Barrett (5301036).

Claim 1, Cariffe disclose a print terminal (**Fig. 1 shows a print terminal**) comprising:

an image-capturing unit (**Fig. 1, El. 13 or scanner 13 is used to scan images – hence capture images**) for receiving image data and outputting captured. (**Col. 2 , Lines 1-8, thus the image or photo is captured by scanner 13 and printed out by printer 16**)

a display unit (**Fig. 1, El. 14 or display 14**) that displays a print-medium image (**Fig. 2, El. 41 shows the print medium or the paper and the flower superimposed together - understand that any portion` of the document which is not part of the flower shows part of the medium or paper**) and a print image (**Flower**) superimposed on a rectangular frame representing an outline of a sheet serving as a print medium, (**Col. 2 Lines 15-25, Fig. 2 , El. 41-understand that El 41 shown in fig. 2 is the flower superimposed on the print medium or paper**) wherein said print image result from rotating the captured image data by a selected rotation angle, (**Col. 2 Lines 31-35, Fig. 2 El. 52-thus the desired image is ascertained by the user selecting button 52 which rotates the image according to the number put in by the user**) said rotation angle being selectable within a range of one to ninety degrees (**Col. 3 Lines 17-47- thus the user can select numbers between 0 and 180 degrees for example 45 degrees**)

an image- processing unit (**hardware driver 12 shown in Fig. 1**) (ii) rotating the print image, (**Col. 2 lines 30-35 hence the print image is rotated when the user select button 52**) and wherein said image processing unit rotates, in response to a user input, (**Col. 2 lines 32-34- thus the user selects button 52 as a means of user response for rotation**).

Carriffe does not disclose any combination of by (i) rotating the print-medium image simultaneously rotating both the print image and the print- medium image and wherein said image-processing unit rotates orientation of the print medium relative to the print image by the selected rotation angle.

Barrett discloses any combination of by (i) rotating the print-medium image, **(Fig. 11 shows clearly that the image "A" and "B" stays the same while the rectangular box is rotated (medium))** simultaneously rotating both the print image and the print-medium image. **(Col. 8, lines 36-50, Fig. 11- thus in order for the copier to output the image in a booklet form, both the image "A" and "B" and the print medium has to be rotated as clearly shown in Fig. 11 under the rotation required for right side up orientation column)** and wherein said image-processing unit rotates orientation of the print medium relative to the print image by the selected rotation angle. **(Col. 8 lines 34-48- thus the user uses image icon 195 to rotate the orientation of the image, which will affect how the image looks on the paper or the medium)**

Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Carriffe's editor software to include rotating the medium and also both the image and the print medium simultaneously as well as rotating the orientation of both the print medium and the image so that the user can edit images in different ways as they desire. The motivation for doing this is to enable users to be able to edit and view their images in different ways on a medium.

Claim 2- (Cancelled)

Claim 3, Cariffe in view of Barrett discloses a print terminal wherein rotating the captured image data by a rotation angle less than ninety degrees corrects a tilt of the

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captured image data. **(Cariffe: Col. 3 Lines 30-46, Fig. 6, El. 143 show a 45 degrees tilted image which was rotated by the user selecting or wherein (R=45)).**

Claim 4, Cariffe in view of Barrett discloses a print terminal that further comprising a reader **(Cariffe: Fig. 1, El. 13 thus the scanner is used to read the image as it is been scanned)** for reading the image data from a recording medium, wherein the image-capturing unit **(Cariffe: Scanner 13 is use to scan images)** receives image data read by the reader. **(Cariffe: Col. 1 Lines 61-67 and Col. 2 Lines 1-7-thus the scanner is used in scanning or reading hard copies into soft copies)**

Claim 5, Cariffe discloses a print system **(Fig. 1 shows a print system)** comprising: an image-capturing unit for receiving image data **(Fig. 1 El. 13 or Scanner 13)** and outputting captured image data **(Col. 2 , Lines 1-8, thus the image or photo is captured by scanner 13 and printed out by printer 16).**

a display unit **(Fig. 1, El. 14 or display 14)** that displays a print-medium image **(Fig. 2, El. 41 shows the print medium or the paper which is going to be used to print the flower which is the image)** and a print image (Flower) superimposed on a rectangular frame representing an outline of a sheet serving as a print medium, **(Col. 2 Lines 15-25, Fig. 2 , El. 41-understand that El 41 shown in fig. 2 is the flower superimposed on the print medium or paper)** wherein said a print image result from rotating the captured image data by a selected **(Fig. 3 El. 168 is used by the user to select a specific angle-thus from -180 to 180) rotation angle, (Col. 2 Lines 31-35,**

Fig. 2 El. 52-thus the desired image is ascertained by the user selecting button 52 which rotates the image according to the number put in by the user) said rotation angle being selectable within a range of one to ninety degrees (Col. 3 Lines 17-47- thus the user can select numbers between 0 and 180 degrees for example 45 degrees).

an image- processing unit (**hardware driver 12 shown in Fig. 1**), capable of performing (ii) rotating the print image, (**Col. 2 lines 30-35 hence the print image is rotated when the user select button 52**) and wherein said image processing unit rotates, in response to a user input, (**Col. 2 lines 32-34- thus the user selects button 52 as a means of user response for rotation**) and a printer for printing the print image on the print medium. (**Col. 2 Lines 1-8, Fig. 1 El. 16 or printer 16**).

Carriffe does not disclose any combination of by (i) rotating the print-medium image simultaneously rotating both the print image and the print- medium image and wherein said image-processing unit rotates orientation of the print medium relative to the print image by the selected rotation angle.

Barrett discloses any combination of by (i) rotating the print-medium image, (**Fig. 11 shows clearly that the image "A" and "B" stays the same while the rectangular box is rotated (medium))** simultaneously rotating both the print image and the print-medium image. (**Col. 8, lines 36-50, Fig. 11- thus in order for the copier to output the image in a booklet form, both the image "A" and "B" and the print medium**

has to be rotated as clearly shown in Fig. 11 under the rotation required for right side up orientation column) and wherein said image-processing unit rotates orientation of the print medium relative to the print image by the selected rotation angle. **(Col. 8 lines 34-48- thus the user uses image icon 195 to rotate the orientation of the image, which will affect how the image looks on the paper or the medium)**

Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Carriffe's editor software to include rotating the medium and also both the image and the print medium simultaneously so that the user can edit images in different ways as they desire. The motivation for doing this is to enable users to be able to view their images in different angles.

Claim 6, - (Cancelled)

Claim 7, Cariffe discloses a computer- readable storage medium **(Fig. 1 El. 17- thus the program used in carrying out these steps are all stored in memory 17)** storing a program comprising the steps of:

displaying a print-medium image and a print image, on a display unit **(Fig. 2, El. 41 shows the print medium or the paper which is going to be used to print the flower which is the image)** whereby said print-medium image and said print image are displayed superimposed on a rectangular frame representing an outline of a sheet serving as a print medium, **(Col. 2 Lines 15-25, Fig. 2 , El. 41-understand that El 41 shown in fig. 2 is the flower superimposed on the rectangular sheet (print**

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medium or paper)) wherein said_print image results from rotating captured image data by a selected rotation angle, **(Col. 2 Lines 31-35, Fig. 2 El. 52-thus the desired image is ascertained by the user selecting button 52 which rotates the image according to the number put in by the user)** said rotation angle being selectable within a range of one to ninety degrees **(Col. 3 Lines 17-47- thus the user can select numbers between 0 and 180 degrees for example 45 degrees).**

controlling, with an image-processing unit, an orientation of [[a]] the print medium relative to the print image said image-processing unit capable of performing **(Col. 2 Lines 29-35-Be aware that when the image is rotated it changes the orientation of the image to the print medium which is superimposed on)** (ii) rotating the print image, **(Col. 2 lines 30-35 hence the print image is rotated when the user select button 52)** displaying a print preview of said print-medium image and the print image resulting from said at least one rotating step **(Fig. 3 El. 143 shows clearly how the final image is going to look like and the user can revert if it needs modification)** and wherein said image processing unit rotates, in response to a user input, **(Col. 2 lines 32-34- thus the user selects button 52 as a means of user response for rotation)**

Carriffe does not disclose any combination of by (i) rotating the print-medium image simultaneously rotating both the print image and the print- medium image and wherein said image-processing unit rotates orientation of the print medium relative to the print image by the selected rotation angle.

Barrett discloses any combination of by (i) rotating the print-medium image, **(Fig. 11 shows clearly that the image "A" and "B" stays the same while the rectangular box is rotated (medium))** simultaneously rotating both the print image and the print-medium image. **(Col. 8, lines 36-50, Fig. 11- thus in order for the copier to output the image in a booklet form, both the image "A" and "B" and the print medium has to be rotated as clearly shown in Fig. 11 under the rotation required for right side up orientation column)** and wherein said image-processing unit rotates orientation of the print medium relative to the print image by the selected rotation angle. **(Col. 8 lines 34-48- thus the user uses image icon 195 to rotate the orientation of the image, which will affect how the image looks on the paper or the medium)**

Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Carriffe's editor software to include rotating the medium and also both the image and the print medium simultaneously so that the user can edit images in different ways as they desire. The motivation for doing this is to enable users to be able to view their images in different angles.

Claim 8, - (Cancelled).

Claim 9, -(Cancelled).

Response to applicant's remark

The remarks filed by the applicant on 08/04/2009 was considered by the examiner but was considered not persuasive.

With regards to claim 1, the applicant argues that the cited reference fails to teach or suggest an image-processing unit operable to perform any combination of (i) rotating a print-medium image, (ii) rotating a print image, and (iii) simultaneously rotating both the print image and the print-medium image.

In reply, examiner respectfully disagree because as explained in the Office action Carriffe discloses an image- processing unit (**hardware driver 12 shown in Fig. 1**), capable of performing (ii) rotating the print image, (**Col. 2 lines 30-35 hence the print image is rotated when the user select button 52**) and wherein said image processing unit rotates, in response to a user input, (**Col. 2 lines 32-34- thus the user selects button 52 as a means of user response for rotation**)

Carriffe does not disclose any combination of by (i) rotating the print-medium image simultaneously rotating both the print image and the print- medium image.

Barrett discloses any combination of by (i) rotating the print-medium image, (**Fig. 11 shows clearly that the image "A" and "B" stays the same while the rectangular box is rotated (medium))** simultaneously rotating both the print image and the print-medium image. (**Col. 8, lines 36-50, Fig. 11- thus in order for the copier to output the image in a booklet form, both the image "A" and "B" and the print medium has to be rotated as clearly shown in Fig. 11 under the rotation required for right side up orientation column**).

Applicant also argues that the cited reference fails to disclose rotating or displaying a print-medium image in any manner, as recited in each of the independent claims.

In reply, Examiner respectively disagrees because Cariffe discloses rotating or displaying a print-medium image in any manner. **(Fig. 1 EI 41 shows a flower (Image) which is imposed on a rectangular medium)**. Thus the flower is the image while the rectangular medium represents the medium or the paper or sheet which is going to be printed on. It is well known in the art that the rectangular medium shows the paper that the image is going to be printed on. Therefore Cariffe discloses a print medium-image. Also understand that when the image is finally printed, the flower is the image while the rest of EI. 41 will be paper or the sheet which is printed on.

Furthermore Barrett discloses (i) rotating the print-medium image, **(Fig. 11 shows clearly that the image "A" and "B" stays the same while the rectangular box is rotated (medium))**.

Applicant also argues that it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Cariffe's software editor with Barrett's software capability of rotating both the print medium and image.

In reply, examiner strongly and respectfully disagree because both of the references teaches rotating and editing image data, Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Cariffe's editor software to include rotating the medium and also both the image and the print medium

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simultaneously so that the user can edit images in different ways as they desire. The motivation for doing this is to enable users to be able to view their images in different angles.

a display unit that displays a print-medium image and a print image superimposed on a rectangular frame representing an outline of a sheet serving as a print medium, wherein said print image results from rotating the captured image data by a selected rotation angle, said rotation angle being selectable within a range of one to ninety ~; and an image-processing unit capable of performing any combination of (i) rotating the print-medium image, (ii) rotating the print image, and (iii) simultaneously rotating both the print image and the print-medium image wherein said image-processing unit rotates, in response to a user input, an orientation of the print medium relative to the print image by the selected rotation angle.

In reply examiner respectfully disagree because Cariffe discloses a display unit **(Fig. 1, El. 14 or display 14)** that displays a print-medium image **(Fig. 2, El. 41 shows the print medium or the paper and the flower superimposed together - understand that any portion` of the document which is not part of the flower shows part of the medium or paper)** and a print image **(Flower)** superimposed on a rectangular frame representing an outline of a sheet serving as a print medium, **(Col. 2 Lines 15-25, Fig. 2 , El. 41-understand that El 41 shown in fig. 2 is the flower superimposed on the print medium or paper)** wherein said print image result from rotating the captured image data by a selected rotation angle, **(Col. 2 Lines 31-35, Fig. 2 El. 52-thus the**

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desired image is ascertained by the user selecting button 52 which rotates the image according to the number put in by the user). said rotation angle being selectable within a range of one to ninety degrees **(Col. 3 Lines 17-47- thus the user can select numbers between 0 and 180 degrees for example 45 degrees).**

an image- processing unit **(hardware driver 12 shown in Fig. 1)**, capable of performing (ii) rotating the print image, **(Col. 2 lines 30-35 hence the print image is rotated when the user select button 52)** and wherein said image processing unit rotates, in response to a user input, **(Col. 2 lines 32-34- thus the user selects button 52 as a means of user response for rotation)** and a printer for printing the print image on the print medium. **(Col. 2 Lines 1-8, Fig. 1 El. 16 or printer 16).**

(NB: fig. 1 shows display 52 and therefore Barrett also discloses a display that can be used for displaying both the image and the print medium.)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AKWASI M. SARPONG whose telephone number is (571)270-3438. The examiner can normally be reached on Monday-Friday 8:00am-5:00pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AMS

08/12//2009

/King Y. Poon/

Supervisory Patent Examiner, Art Unit 2625